

REMARKS

Applicants have carefully reviewed the Office Action mailed August 14, 2007. Claims 1 and 35 are amended. Claims 1-38 are pending, with claims 1, 4, 29, 31 and 35 being independent claims. Reconsideration is respectfully requested in view of the foregoing amendments and the comments set forth below.

Applicants' representative appreciates the Examiner's courtesy in conducting a personal interview regarding this application. During the interview, the rejections under 35 U.S.C. 101 and 112 were discussed. Applicants representative suggested amending the claims to clarify that independent claims 1 and 35 require the overlays to be graphics overlays or a graphic overlay including text. The remaining independent claims would be amended to clarify they apply to text only overlays. The Examiner agreed that this would address the 35 U.S.C. 101 and 112 rejections as the claims would not cover the scenario when the only text overlays are processed.

The drawings have been objected to as reference numbers 227, 228 and 229 are not present in the drawings. Submitted herewith on a separate sheet are a replacement drawing for Figure 6 which includes steps to 227, 228 and 229. Additionally, the drawing have been objected to as "C" should be "C₁". Submitted herewith on a separate sheet are replacement figures for Figures 4 and 5 making the appropriate correction. Regarding the objection to the specification, paragraph 48 has been amended to correct the informality noted by the Examiner.

In view of the above amendments, the withdrawal of the objection to the drawings and specification is respectfully requested.

Claims 1-38 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite.

The claims were amended along the lines discussed at the interview. It was agreed during the interview that these amendments clarify the claims under Section 112. In particular, independent claims 1 and 35 have been amended to recite that the overlays include a graphics only

overlay or a graphic overlay including text. Thus, these claims require that the overlay include graphics and the claims do not cover only text-only overlays.

Regarding independent claims 4, 29 and 31, each of these claims is directed to an overlay that is only a text overlay. In view of these amendments, it is respectfully submitted that all pending claims are in all aspects in compliance with 35 U.S.C. 112, second paragraph.

Claims 1-38 have been rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. Specifically, it is alleged that the claims preempt all substantial uses of a computer program, software and mathematical formula forming the applicants' invention. As noted above, it was agreed during the interview that the amendments made to the claims clarify the claims in view of Section 101. More particularly, claims 1 and 35 have been amended to require that the overlay be a graphic overlay or a graphic overlay including text. The processing of only text overlays is therefore excluded from the claims. Consequently, these claims do not preempt all uses of any computer program, software, and mathematical formula. The claims do not cover the use of any computer program, software, or mathematical formula with respect to only text overlays.

Regarding independent claims 4, 29 and 31, the claims have been amended to clarify that these claims are limited to text overlays. Consequently, processing only graphics or graphic combined with text overlays is not within the scope of this claim. Therefore, these claims do not preempt all substantial use of any computer program, software or mathematical formula.

In view of the amendments to the claims, and the above clarification, it is respectfully submitted that the claims are in all aspects in compliance with 35 U.S.C. 101. Therefore, withdrawal of this rejection is respectfully requested.

If the Examiner is of the opinion that the prosecution of this application would be advanced by a personal interview, the Examiner is invited to telephone undersigned counsel to arrange for such an interview.

Application No. 09/935,610
Amendment dated
Reply to Office Action of August 14, 2007

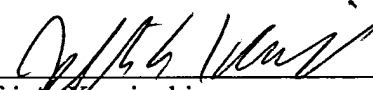
Docket No.: 37112-173148

In view of the above amendment, applicant believes the pending application is in condition for allowance.

The Commissioner is authorized to charge any fee necessitated by this Amendment to our Deposit Account No. 22-0261.

Dated: 12/13/07

Respectfully submitted,

By 

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